IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.80 of 2007

Laxmikant S. Narkar Applicant
Vs.
Kulwant Singh @ Twinkle Rajput & anr. Respondents

Mr.R.S.Datar for applicant.
Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.

July 31, 2007.

P.C.

. Heard Mr.Datar, the learned counsel for the applicant - original complainant. Admittedly the complainant had advanced a loan of Rs.5,86,370/- which he sought to recover through Summary Suit and while the Suit was pending, he filed Criminal Case before the learned Judicial Magistrate, First Class. In the said case the accused was convicted and was directed to pay compensation of Rs.4,50,000/-. There is no dispute that this amount of Rs.4,50,000/- has been received by the complainant.

. It was the case of the accused that there was no enforceable liability against which six cheques as described below and drawn on Abhyudaya Co-op. Bank Ltd., Thane were handed over to the complainant.

| Sr.No. | Cheque no. | Date | Amount |
|---|---|---|---|
| 1. | 33842 | 21/10/2003 | 2,00,000/- |
| 2. | 33843 | 26/11/2003 | 1,25,000/- |
| 3. | 33844 | 26/12/2003 | 1,50,000/- |
| 4. | 33845 | 27/1/2004 | 2,00,000/- |
| 5. | 33846 | 27/3/2004 | 1,00,000/- |
| 6. | 33847 | 27/4/2004 | 1,00,000/- |

It is also admitted that out of the six cheques, Summary Criminal Case No.1761 of 2004 came to be filed by the complainant in respect of three cheques and for the remaining three cheques his brother filed a separate complaint. The complainant's case for enforceable legal liability was based on Exhibit 20 - the so called compromise and it is not disputed that

the said compromise was not signed by the accused. Under these circumstances, the learned Judicial Magistrate, First Class rightly dismissed the complaint filed by the present applicant and the reasoning set out in the said order does not call for reconsideration by this Court.

. Hence the application fails and the same is hereby rejected.

(B.H.MARL